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Notice of Allowability

Application No.

09/903,827

Examiner

Paul Royal

Applicant(s)

HUMES, DANIEL M.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the paper filed 22 April 2004.
2. ☒ The allowed claim(s) is/are 1-17.
3. ☒ The drawings filed on 14 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Amendment

2. The amendment after final filed on 04/22/04 has not been entered. Upon further consideration of the Final Office action, the claims are considered in condition for allowance without the amendments made filed on 04/22/04 .
3. Specifically, the Examiner has reviewed the Final rejection and determined the prior art applied (Stowe 5,039,120) fails to teach the claim limitations because Stowe does not teach that a stabilizer detachably and pivotally connected to the hitch unit and to the bicycle to permit movement of the hitch relative to the frame and the seat of the bicycle.

With respect to claims 1-11, firstly, the stabilizer element 50 recited by the Examiner is not attached to the hitch unit and bicycle in a manner consistent with the instant invention but rather is attached to the hitch unit 42 and trailer 61 (bicycle 61 is same as applicant's trailer).

Second, even if element 30 of Stowe was interpreted as being the same as applicant's stabilizer, Stowe does not teach element 30 is "detachably and pivotally connected to the hitch unit and to the bicycle to permit movement of the hitch relative to the frame and the seat of the bicycle". Stowe teaches one end of element 30 (which includes side plates 31 and 32 is attached to a collar in "gripping relation" with the seat

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post (12), which is not understood to include a pivotal connection between the stabilizer and the bicycle. The other end of element 30 is understood to include a pivotal connection between the stabilizer and the hitch unit because pin 38 of element 30 is provided to allow the hitch unit 42 to pivotally connect with element 30.

With respect to claim 12-16 the Examiner agrees the figures of Stowe do not show wherein the hitch unit is journaled to the wheelstay assembly for pivoting about a substantially vertical first pivot access *aligned substantially directly above the rear hub/axle assembly*.

Allowable Subject Matter

4. Claims 1- 17, as presented 06/16/2003, are allowed.

5. The following is an examiner's statement of reasons for allowance:

Claims 1- 11 are allowable for the reasons stated previous in this office action.

Claims 12-16 are allowable because the prior art does not show a hitch assembly as recited wherein the wheelstay assembly is pivotally connected to the rear hub/axle of the bicycle and the hitch unit is journaled to the wheelstay assembly for pivoting about a substantially vertical first pivot access aligned substantially directly above the rear hub/axle assembly.

For claim 17: The prior art does not show a hitch assembly as recited wherein the wheelstay assembly is pivotally connected to the rear hub/axle of the bicycle and the hitch unit is journaled to the wheelstay assembly for pivoting about a substantially vertical first pivot access and a lengthwise-adjustable strut member connected to the wheelstay and a bicycle's seat post.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kester teaches a cart for a vehicle with a single rear wheel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Royal whose telephone number is 703-308-8570. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



P. Royal
June 4, 2004

Paul Royal
Examiner
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LESLEY D. MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600